

Introduced by Senators Torlakson and Speier
(Coauthor: Assembly Member Levine)

February 20, 2004

An act to amend Section 23646 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1695, as introduced, Torlakson. Alcohol and drug problem assessment program.

Existing law requires a court to order a person to participate in an alcohol and drug problem assessment program, if the person is convicted of a violation of driving-under-the-influence offense that occurred within 7 years of a separate conviction of a driving-under-the-influence offense in which the person was required to attend a licensed program pursuant to a court order and the person failed to comply with the rules and policies of the licensed program, other than a rule relating to the payment of fees.

This bill would impose the above required court order based solely on the person being convicted of a violation of driving-under-the-influence offense that occurred within 7 years of a separate violation of a driving-under-the-influence offense that resulted in a conviction, and would remove the requirement that the person had previously been court-ordered to attend a licensed program and had failed to comply with the program's rules and policies.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 23646 of the Vehicle Code is amended to read:

23646. (a) Each county alcohol program administrator or the administrator's designee shall develop, implement, operate, and administer an alcohol and drug problem assessment program pursuant to this article for each person described in subdivision (b). The alcohol and drug problem assessment program may include a referral and client tracking component.

(b) (1) The court shall order a person to participate in an alcohol and drug problem assessment program pursuant to this section and Sections 23647 to 23649, inclusive, and the related regulations of the State Department of Alcohol and Drug Programs, if the person was convicted of a violation of Section 23152 or 23153 that occurred within seven years of a separate violation of Section 23152 or 23153 and resulted in a conviction; ~~the person was required to attend a licensed program pursuant to a court order, and the person has once failed to comply with the rules and policies of the licensed program, other than a rule relating to the payment of fees, in accordance with the rules and regulations of the state department.~~

(2) A court may order any person convicted of a violation of Section 23152 or 23153 to attend an alcohol and drug problem assessment program pursuant to this article.

(c) The State Department of Alcohol and Drug Programs shall establish minimum specifications for alcohol and other drug problem assessments and reports ~~not later than September 30, 1999.~~